

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 BRIAN JOSEPH GREF, CIVIL ACTION NO.
1:20-cv-05589-DCF

4 Plaintiff,

5 -against-

6 AMERICAN INTERNATIONAL INDUSTRIES,
individually and as successor-in-interest
7 for the CLUBMAN BRAND, and to THE
NESLEMUR COMPANY and PINAUD COMPANY,
8 et al.,

9 Defendants.

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12 VOLUME 1
13 VIDEOTAPED VIRTUAL DEPOSITION
14 KAREN LINDA NAPPI
15 June 16, 2021
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Kerrienne L. Bond, CSR, RPR, NP

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25 Job No. 4567255

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WITNESS: KAREN LINDA NAPPI

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13 VOLUME 1, VIDEOTAPED VIRTUAL DEPOSITION OF KAREN
LINDA NAPPI, produced, sworn, and examined on behalf of
14 Defendants, June 16, 2021, commencing at 10:05 a.m. EST
and concluding at 5:14 p.m. EST, via Zoom, taken
15 remotely by Kerrienne L. Bond, CSR, RPR, NP.
16

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THE VIDEOGRAPHER:

MS. ARIELLE FRIEDMAN

1 responsible for changing him?

2 A. I was.

3 Q. And can you tell me, just generally, the
4 process that you used in changing Brian when he was a
5 baby?

6 A. Take off his diaper. I would have a -- well,
7 depending on how messy he was, sometimes I'd have to
8 take him to the sink and wash him down. Sometimes I
9 would have a dampened washcloth next to me and clean him
10 up. I'd have to powder him down, put a fresh diaper on
11 him, and be done.

12 Q. And where would you usually do this? Would it
13 be in your bedroom or someplace else?

14 A. In my bedroom.

15 Q. Did you have a changing table?

16 A. No. It was normally on my bed.

17 Q. Did you do it right on the -- the cover or did
18 you lay down a blanket or something else?

19 A. Normally, I -- I had a big towel.

20 Q. And you said you would powder him down. When
21 you did that, what brand did you use?

22 A. I really don't remember specifically what
23 brand. It could have been any brand.

24 Q. In terms of the diapers, did you -- did you
25 have a particular wastebasket for the used diapers?

1 A. Well, they were disposable, so I threw them
2 out.

3 Q. Okay. Some people have a specific basket they
4 use for dirty diapers versus the rest of their stuff, or
5 did it go in your normal trash?

6 A. No, it went into a -- you take the dirty
7 diaper, you throw it out, and at the end of the day, you
8 take the trash out.

9 Q. And when you took the trash out in this
10 apartment, did you have a chute or something else to
11 throw your trash away?

12 A. No. Took it out to the dumpster.

13 Q. And then who --

14 A. And -- and -- and if I may go back to what
15 brand of -- of powders I used on Brian, I -- I could
16 tell you what -- what brand of powders I used on Brian,
17 but -- I used a variety of -- of powders on Brian, but
18 any one in particular, I didn't use any one in
19 particular at any particular time. I just -- when I'd
20 go shopping, I'd grab what they had and I used it.

21 Q. And as you're sitting here today, can you tell
22 me what brand you used when you lived at this Chartwell
23 Drive apartment?

24 A. I used several. As I said, I didn't
25 specifically hone on any one particular brand. When I'd

1 go shopping, whatever caught my eye, I'd take it --

2 Q. And --

3 A. -- or I'd purchase it.

4 Q. And as you're sitting here now, can you tell
5 me which brand or brands you used at this apartment?

6 A. We're going back to -- I used Mennen. I used
7 Clubman. I used Shower to Shower. I used Old Spice. I
8 used English Leather. I'm sure I used another brand, as
9 well.

10 Q. So are you able to tell me what brand you used
11 at this apartment?

12 A. I used all of them.

13 Q. Okay. So your -- you -- Brian was born in
14 July of '82, right?

15 A. Yes.

16 Q. And you left Norfolk, Virginia, October of
17 that year, right?

18 A. Yes.

19 Q. Okay. So it's your testimony here today under
20 oath that during that period of time, that roughly
21 five-month period of time, you used every one of these
22 brands at this apartment?

23 A. Wait a minute. We're not talking about five
24 months. July, August, September, October. We're
25 talking about three months.

1 A. No.

2 Q. What else did you keep on top of that chest of
3 drawers?

4 MR. FULLER: Objection.

5 A. I don't remember. You know what? Thinking
6 back, I probably kept extra diapers on there, too.

7 Q. (BY MR. DiMARCO) Where did you keep the towel
8 that you laid down to change Brian on?

9 A. I might have kept that in the -- in the linen
10 closet with the rest -- with the other towels.

11 Q. Other than towels, did you keep anything else
12 in the linen closet?

13 A. Sheets.

14 Q. Anything else?

15 A. Not that I can remember.

16 Q. How large was your bedroom in this apartment?

17 A. I don't remember.

18 Q. Do you remember the size of bed you had?

19 A. Queen.

20 Q. Other than that -- the low chest of drawers,
21 was there any other furniture in that room besides --

22 A. An -- an armoire.

23 Q. So you gave me a list of -- of brands. Is it
24 your testimony that you never used Johnson & Johnson
25 baby powder on Brian?

1 MR. FULLER: Objection.

2 A. I don't recall.

3 Q. (BY MR. DiMARCO) When you went to the
4 commissary, how would you choose what you bought?

5 A. Whatever jumped out at me.

6 Q. How did it jump out at you?

7 MR. FULLER: Objection.

8 A. It might have been a sale item.

9 Q. (BY MR. DiMARCO) Anything else?

10 A. Again, it might have been how busy I was. It
11 might have been the color. I don't know. It might have
12 been whatever was on eye level that day.

13 Q. Did the commissary switch their items around
14 their shelves on a regular basis?

15 A. Commissaries undergo renovations. They --
16 they switch aisles. They switch -- they switch a lot of
17 things.

18 Q. In the -- in the three months that you were
19 living at this apartment during the time that Brian was
20 born, is it your testimony that you recall each of these
21 three commissaries undergoing renovations at various
22 times during that three-month period of time?

23 MR. FULLER: Objection.

24 A. I don't recall.

25 Q. (BY MR. DiMARCO) You said the color might

1 received from your father?

2 MR. FULLER: Objection.

3 A. Irish Spring, Dove, Neutrogena.

4 Q. (BY MR. DiMARCO) How about the shampoo that
5 you received from your father?

6 MR. FULLER: Objection.

7 Counselor, you've already asked all of
8 these brands.

9 A. Yeah --

10 MR. FULLER: It's your -- it's your time.
11 You can re-ask the question. I'm just letting you know
12 you've already asked.

13 A. Yeah, like I -- well, like, I remember my
14 daughter loved the Vidal Sassoon, and they didn't carry
15 that down there. And I remember Prell being a big one,
16 and they didn't carry that. And --

17 Q. How about the toothpaste you received from
18 your father?

19 A. Crest and Colgate. Those were the two
20 staples.

21 Q. And what about the powder that you received
22 from your father?

23 A. Mennen, the Shower to Shower, the Clubman, the
24 Old Spice, and the English Leather.

25 Q. Any others?

1 A. No.

2 Q. No? Never bought Johnson -- never sent you
3 Johnson & Johnson?

4 A. Not that I recall.

5 Q. So you're not -- you're not saying that every
6 box would contain all these different brands, are you?

7 A. No. No, I'm saying when she would go
8 shopping, she would pick up four cans of whatever, put
9 them in a box or bring them to my father, pack them up,
10 and send them down. I'm not saying she picked one of
11 this, one of this, one of this. I'm saying she'd grab
12 four of whatever and bring it home to my dad's house,
13 and they'd pack it up and send it down. That's what I'm
14 saying.

15 Q. And you asked her specifically -- you asked
16 your father specifically for powder for -- to use for
17 Brian?

18 A. I asked him -- no, I asked specifically for
19 talc powder because -- because the heat down there was
20 unbearable and for the -- yeah, for Brian's rashes.

21 Q. Did you ever take Brian to a doctor for his
22 rashes?

23 A. No, not -- not specifically for the rashes.

24 Q. Did you ever take Brian to a doctor for any
25 reason to discuss with a doctor his rashes?

1 A. No.

2 Q. Did any doctor ever tell you to use any
3 particular brand of powder for rashes?

4 A. No.

5 Q. Did you continue to use Johnson & Johnson soap
6 for Brian for bathing?

7 A. Once I finished bathing him in the sink --
8 well, I'll say once I put him in the tub and I was --
9 and you know how they -- they put those little things in
10 the tub and you strap them in so that they don't slip?
11 I was probably still using that on him.

12 But then once he was able to sit up on his
13 own, I stopped using that and I started using regular
14 soap. You know, once they're -- they're old enough to
15 sit up by themselves and when you're not holding them
16 anymore and they're not so dependent on you, I started
17 using regular soap.

18 Q. You used -- did you use Johnson & Johnson
19 shampoo when you -- when you were in Guantanamo Bay when
20 you bathed Brian?

21 A. Yes.

22 Q. Where did you get it?

23 A. Sent home for it.

24 Q. Did you ask for that specifically?

25 A. Yes. It was called No More Tears.

REPORTER'S CERTIFICATE

I, KERRIENNE L. BOND, CSR, RPR, NP, hereby certify that this transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor do I have a financial interest in the action.

Certified to by me on July 5, 2021.



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